



New Jersey Department of Children and Families Policy Manual

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Eligibility Criteria for Title IV-E/AA

2-8-2010

There are two eligibility criteria for Title IV-E/AA:

1. The eligibility criteria which existed prior to October 1, 2009; and
2. The revised eligibility criteria which became effective October 1, 2009 (Federal Fiscal Year 2010), based on the tenets of new Federal legislation, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (FCSIAA).

Title IV-E/AA Eligibility Prior to October 1, 2009

2-8-2010

The criteria for Title IV-E/AA which existed prior to October 1, 2009 is used to determine Adoption Assistance for children who do not meet the revised criteria which became effective on that date.

The basic eligibility requirements for Title IV-E Adoption Assistance prior to October 1, 2009 are the **same** as for Title IV-E Foster Care with **two differences**:

- Children who have mental/behavioral or physical disabilities are eligible for Title IV-E/AA until age 21;
- Children must be determined to meet the "special needs" criteria. (See definition of "Special Needs Child" in [CP&P-IV-F-1-100](#).)

In addition, at least one of the following conditions must be met:

- The child was AFDC eligible at the time of removal.
 - If the removal was pursuant to a voluntary placement agreement, the child's costs for care must have been

- For children adopted prior to October 1, 2005, the child had to have satisfied this requirement the month the adoption petition was initiated.

- Finally, if the child meets the eligibility criteria, there must be an adoption assistance Agreement signed by the adoptive parent(s) and a CP&P representative prior to the finalization of the adoption. See CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoption Parents Regarding Subsidy Payments.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110 -351) amended the eligibility requirements for the Title IV-E Adoption Assistance Program provided in Section 473 of the Social Security Act (the Act). The revised eligibility criteria will be phased in for specific children over a nine-year period beginning October 1, 2009 (FFY 2010).

Applicable Child Requirements 2-8-2010

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1. A child who meets the applicable age requirements (see [CP&P-IV-F-1-300](#), Applicable Child Age Eligibility Time Line), or
2. A child who has been in foster care under the responsibility of CP&P for at least 60 consecutive months prior to the finalization of the adoption; or
3. The sibling of a child who meets either of the above criteria, 1 or 2, if both children are to have the same adoptive placement.

A child who meets either criteria (1 or 2, above) must also meet the requirements below (see [CP&P-IV-F-1-300](#)).

Additional Applicable Child Requirements

2-8-2010

An "applicable child" must also meet all of the following special needs criteria:

1. The child cannot or should not be returned to the home of his or her parent(s);
2. There is a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group; or the presence of a factor such as a medical condition or a physical, mental/behavioral, or emotional disability), whereas it is reasonable to conclude that the child cannot be placed with adoptive parents without providing Adoption Assistance under Title IV-E and medical assistance under Title XIX of the Social Security Act; or that the child meets all of the medical or disability requirements for Supplemental Security Income (SSI). If a child meets all the medical or disability requirements for SSI (see [CP&P-IV-F-1-200](#), Federal Government Benefits), the special needs determination will be met; and
3. A reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing Adoption Assistance under Title IV-E or medical assistance under Title XIX of the Social Security Act. The only exception to this requirement is where it would be against the best interests of the child to replace the child because of present circumstances, such as the existence of a significant emotional tie with the prospective adoptive parents, starting while in their care as a foster child.

Additional Requirements for an Applicable Child with Special Needs **2-8-2010**

An "applicable child with special needs" must also meet at least one of the following four eligibility requirements:

1. Child meets specific requirements at the initiation of adoption proceedings: The child, at the time of the initiation of adoption proceedings, was in DCF care pursuant to:
 - a. An involuntary removal based upon a judicial determination that it was contrary to the child's welfare to remain in the home; or
 - b. A voluntary placement agreement or voluntary relinquishment/surrender. (For an "applicable child," there does not have to be a Title IV-E payment made under a voluntary placement agreement.) See [CP&P-IV-C-1-600](#), Surrender of Custody and Consent for Adoption;
2. Child meets all medical and disability requirements of SSI: The child meets all medical and disability requirements of SSI with respect to eligibility for SSI benefits. An "applicable child" does not have to meet the needs-based (income and assets) requirements for SSI;
3. Child of a minor parent: The child was residing in a foster family home or licensed child care institution with his or her minor parent, who was removed from home pursuant to either:
 - a. An involuntary removal based upon a judicial determination that it was contrary to the child's welfare (i.e., the minor parent's welfare) to remain in the home; or
 - b. A voluntary placement agreement or voluntary relinquishment (surrender); or
4. Child was eligible in prior adoption: The child was adopted and was determined eligible for Title IV-E Adoption Assistance in a prior adoption (or would have been found eligible had the Adoption and Safe Families Act of 1997 been in effect at the time of the previous adoption), and is now again available for adoption because the prior adoption has been dissolved or the child's adoptive parents have died. In such an instance, the child may retain eligibility for Adoption Assistance payments in a subsequent adoption. There only needs to be a determination that the child is a child with special needs for the child to continue to be eligible for Title IV-E Adoption Assistance.

All other requirements in Section 473(a) through (c) of the Act; the background check requirements in Section 471(a)(20)(A) and (B) of the Act; CFR 1356.30(b) and (c), the Adoption Assistance Agreement requirements as defined in Section 475(3) of the Act; and regulations in CFR 1356.4 and 1356.41 (to the extent that they are not superseded by the law) apply equally to both an applicable child and a non-applicable child.

Applicable Child Age Eligibility Time Line**2-8-2010**

The "applicable child" eligibility requirements are applied to any child who is an "applicable child" based on his or her age, if the child has attained the applicable age any time before the end of the Federal fiscal year in which the Adoption Assistance Agreement was signed. The age requirement is established in Section 473(e)(1)(B) of the Social Security Act.

The applicable age for a child begins at 16 years old in FFY 2010, and decreases by two (2) years for each Federal fiscal year thereafter, until a child of any age meets the age requirements in FFY 2018. Thus, beginning October 1, 2017, the applicable child eligibility criteria will apply to children of all ages.

Age Eligibility Chart for "Applicable Child"

AGE	YEAR
The child must attain this age by September 30th (Federal Fiscal Year End) of the given year	
16 and older	2010
14 and older	2011
12 and older	2012
10 and older	2013
8 and older	2014
6 and older	2015
4 and older	2016
2 and older	2017
All Ages	2018

Adoptions 2-8-2010

Effective FFY 2010 (beginning October 1, 2009), the Act specifically prohibits the payment of Title IV-E Adoption Assistance (including payments for non-recurring adoption expenses) on behalf of an "applicable child" who is not a citizen or resident of the United States, and who was either adopted outside the United States or who was brought to the United States for the purpose of being adopted.

Duration of Title IV-E Adoption Assistance Payments 2-8-2010

This policy section applies to both the applicable and the non-applicable child.

Beginning FFY 2011 - October 1, 2010 - CP&P may extend the age that a child may receive Title IV-E Adoption Assistance payments and assistance up to age 21, if CP&P and the adoptive parent enter into the Title IV-E Adoption Assistance Agreement after the child reaches the age of 16, and the child continues to meet at least one of the conditions listed below upon attaining age 18:

1. Completing secondary school (or equivalent);
2. Enrolled in post-secondary or vocational school;
3. Actively participating in a program or activity that promotes or removes barriers to employment;
4. Employed at least 80 hours a month; or
5. Determined incapable of any of the above due to a documented medical condition.

In addition, Title IV-E Adoption Assistance payments up to age 21 are allowed for an applicable or a non-applicable child when CP&P determines that a child has a physical or mental/behavioral disability that warrants the continuation of assistance as noted in Section 473(a)(4)(A) of the Act.

Effect of Title IV-E Guardianship Assistance Payments on Adoption Assistance Eligibility 2-8-2010

This policy section applies to both the applicable child and the non-applicable child.

When determining eligibility for adoption assistance for a child receiving Title IV-E Guardianship Assistance Payments, the placement of the child with the Kinship Legal Guardian, and any kinship guardianship assistance payments made on behalf of the child, shall be considered never to have been made. Thus, if the child is later adopted, CP&P would apply the adoption assistance criteria for the child, as if the guardianship had never occurred. This applies where the guardianship is dissolved, and the child is later placed for adoption with the kin caregiver or another individual.

Procedures For Determining Title IV-E/Adoption Assistance 12-3-2007

The Adoption Worker notifies the Title IV-E Unit when an adoption is finalized. The Title IV-E Reviewer determines if the child is eligible for adoption assistance using the CP&P Form 10-5aa, Title IV-E Adoption Assistance Eligibility Determination, which is accessed through the NJ SPIRIT Desktop/Adoption Eligibility Window/Dropdown.

Title IV-E/Adoption Assistance Termination Criteria**12-3-2007**

Within 60 days prior to the child's 18th birthday, or when notified that one of the following conditions exist, the Title IV-E Reviewer revisits CP&P Form [10-5aa](#) to determine if the child is eligible to continue receiving Title IV-E/AA. Children receiving Title IV-E/AA benefits will continue to do so until one of the following occurs:

Circumstance	When Eligibility Ends
The child has reached the age of 18, or the child has a documented mental or physical disability which warrants the continuation of assistance to age 21.	Eligibility ends at either the end of the month in which the child turns 18 or the end of month in which the child turns 21.
The State determines that the adoptive parents are no longer legally responsible to support the child.	Eligibility ends the last day of the month in which the determination is made.
The State determines that the adoptive parents are no longer providing support to the child.	Eligibility ends the last day of the month in which the determination is made.